

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JULIE DERMANSKY,

Plaintiff,

- against -

TEGNA INC.

Defendant.

Docket No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Julie Dermansky (“Dermansky” or “Plaintiff”) by and through her undersigned counsel, as and for his Complaint against Defendant Tegna Inc. (“Tegna” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of four copyrighted photographs of Michael Davis, owned and registered by Dermansky, a New Orleans based photojournalist. Accordingly, Dermansky seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Dermansky is a professional photojournalist in the business of licensing his Photographs to online, print, and television stations for a fee, having a usual place of business at 2357 Cours Carson, Street, Mandeville, Louisiana 70448.

6. Upon information and belief, Tegna is a foreign corporation duly organized and existing under the laws of the State of Virginia, with a place of business at 7950 Jones Branch Drive, McClean Virginia 22107. At all times material hereto, Tegna has owned and operated a website at the URL: www.wwltv.com (the “Website”) and produces Eyewitness News 4 WWL (the “TV Show”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photographs

7. Dermansky captured photographs of Michael Davis (the “Photographs”). True and correct copies of the Photographs are attached hereto as Exhibit A.

8. Dermansky is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs have a pending United States Copyright Office number. The pending application number is 1-4631134771. See Exhibit B.

10. The fee has been paid to the United States Copyright Office and the works have been deposited with the Copyright Office.

B. Defendant’s Infringing Activities

11. Upon information and belief, on or about February 16, 2017, Tegna ran an article on the Website entitled *Graduate of ‘NOLA for Life’ gunned down as his life was turning around*. See <http://www.wwltv.com/news/local/orleans/graduate-of-nola-for-life-gunned-down->

as-his-life-was-turning-around/409076195. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit C.

12. Upon information and belief, on or about February 16, 2017, Tegna produced a story on the TV Show. The TV prominently featured the Photographs.

13. Tegna did not license the Photographs from Plaintiff, nor did Tegna have Plaintiff's permission or consent to publish the Photographs on its Website or TV Show.

CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST TEGNA)
(17 U.S.C. §§ 106, 501)

14. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-13 above.

15. Tegna infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on the Website and TV Show. Tegna is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

16. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

17. Upon information and belief, the foregoing acts of infringement by Tegna have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

18. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

19. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Tegna be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
April 13, 2017

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